THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.14127 of 2007

Date: 13-08-2007.

Between :

M/s. Sree Ranganatha Trading Company, Yerraguntla, Kadapa District, rep. by its Proprietor.

.....Petitioner

And

Assistant Commissioner (CT), Enforcement Wing, Nampally,
Hyderabad & others.

.....Respondents.

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AND
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.14127 of 2007

ORDER : (Per Hon'ble Sri Justice Bilal Nazki)

Heard learned Counsel for the petitioner as well as the learned Government Pleader for Commercial Taxes.

This writ petition was filed, seeking a direction to the 3rd respondent to refund an amount of Rs.43,59,040=00, which was under provisional attachment. During the pendency of this writ petition, final order has been passed and the learned Government Pleader submits that the order was sent by Registered Post, to the petitioner, who was not available at his address. Several attempts were made to serve him, but he did not take the order, therefore, it was pasted at the address available. Learned counsel for petitioner accepts that the order was pasted on the premises, but does not accept that it was sent through Registered Post.

We have seen the record. There is a letter sent through Registered Post on 24th of July 2007, which was tried to be served by the Posts and Telegraphs Department on 25.07.2007, 26.07.2007, 27.07.2007, 28.07.2007, 30.07.2007 and 31.07.2007 and it was reported that the door was locked for many many days. Therefore, we presume that this notice had been sent to the petitioner, as it had been sent by Registered Post.

The learned counsel for petitioner further submits that he has not been able to take the remedies available against the order, as it was not served on him, and as it was pasted, it was not possible for him to remove the copy of the order. Therefore, we have taken from the original record, the notice sent to him by Registered Post and handed over it to the counsel, who may take appropriate remedies that may be available to him in law. Since the final order has now been passed, the provisional attachment does not remain in force.

Writ petition is accordingly disposed of.

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BILAL NAZKI, J

13th August 2007.

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NOOTY RAMAMOHANA RAO, J

N.B:

Order by wire at party's cost.

(b/o)

ajr